

REMARKS**Summary of the Office Action**

Claim 16 stands rejected under 35 U.S.C. § 101 allegedly because the claimed invention is “directed to non-statutory subject matter.”

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako et al. (U.S. Patent No. 6,971,024) (hereinafter “Sako”) in view of Tosaki et al. (U.S. Pat. Pub. No. 2002/0159360) (hereinafter “Tosaki”).

Summary of the Response to the Office Action

Applicants have amended independent claims 1, 7 and 13-17 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Applicants have added new dependent claims 20-29 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-17 and 20-29 are currently pending and under consideration.

Rejections under 35 U.S.C. § 101

Claim 16 stands rejected under 35 U.S.C. § 101 allegedly because the claimed invention is “directed to non-statutory subject matter.” Claim 16 has been newly-amended to improve the form of the claim. Applicants respectfully submit that newly-amended independent claim 16 fully complies with the requirements of 35 U.S.C. § 101. Accordingly, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested for at least the foregoing reasons.

Rejections under 35 U.S.C. § 103(a)

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sako in view of Tosaki. Applicants have amended independent claims 1, 7 and 13-17 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, the rejections are respectfully traversed for at least the following reasons.

Applicants respectfully submit that Sako discloses a disk 1 having a first recording area PA1 and a second recording area PA2. See Fig. 2 of Sako. In Sako, however, those first recording area PA1 and second recording area PA2 have both a lead-in area and a lead-out area respectively. See Fig. 2 of Sako. In Sako, the first recording area PA1 itself is reproduced such as “one disk” and the second recording area PA2 itself is also reproduced such as “one disk” independent from the first recording area PA1. Therefore, Applicants respectfully submit that Sako only discloses the disk being reproduced such as two or more disks. Sako does not disclose the first recording area PA1 and the second recording area PA2 being formed in a disk being reproduced such as only “one disk.” Newly-amended independent claim 1 describes an advantageous combination of features including an uncompressed information record area, a first control information area, a compressed information record area and a second control information area all formed in “one recording medium.” Sako does not disclose such a combination of features to any extent.

In addition, Applicants respectfully submit that Sako does not disclose the structure of the invention described in the amended claim 1 of “...a compressed information record area where

compressed information obtained by encoding another reproduction information including at least a content of the compressed information same as a part of a content of the uncompressed information...". In this invention, the reproduction information being recorded in the compressed information record area as the compressed information is recorded in the uncompressed information record area as the uncompressed information. In Sako, there is the case that the information being recorded in the second recording area PA2 is not being recorded in the first recording area PA1. Accordingly, Applicants respectfully submit that Sako also does not disclose this feature of independent claim 1 to any extent.

In addition, Sako does not disclose the structure of the invention described in the amended claim, of the first control information area of this invention and the second control information area of this invention being formed "separately" from each other. Applicants respectfully submit that the collateral information of Sako includes both the collateral information for the first recording area PA1 and the collateral information for the second recording area PA2. Accordingly, Applicants respectfully submit that Sako also does not disclose this feature of independent claim 1 to any extent.

Newly-amended independent claims 7 and 13-17 include similar features as discussed above with regard to newly-amended independent claim 1. Accordingly, similar arguments as presented above with regard to newly-amended independent claim 1 also apply to newly-amended independent claims 7 and 13-17.

Applicants have added new dependent claims 20-29 to differently describe embodiments of the disclosure of the instant application. Applicants respectfully submit that the invention described in these new claims 20-22 are disclosed in FIG. 1 of this application. In FIG. 1, it is

described that the first zone Z1 includes the first control information piece G1 and the second zone Z2 includes the second control information piece G2.

The invention described in the newly-added claims 25-29 of the instant application is disclosed, for example, in FIG. 1 of this application. In FIG. 1, it is described that an encode information piece 53 designating an encoding system used in the corresponding music information piece M is included in the second control information piece G2.

The additionally applied reference to Tosaki does not cure the above-discussed deficiencies of Sako.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Sako and Tosaki, whether taken separately or combined together, do not teach or suggest each feature of newly-amended independent claims 1, 7 or 13-17 of the instant application. Since the prior art does not disclose or suggest any of the combinations recited in Applicants' claims, and if anything appears to teach away from the current claim recitations, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2-6 and 8-12, and also newly-added dependent claims 20-29, are allowable at least because of their dependence from newly-amended independent claim 1, 7, 13, 14 or 16, and the reasons discussed previously.

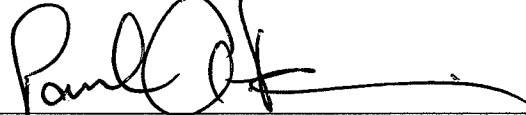
CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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